

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5871 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MATRUKRUPA EDUCATION TRUST & ANR.

Versus

ADMINISTRATIVE OFFICER, PRIMARY EDUCATION  
COMMITTEE, AHMEDABAD MUN. CORPORATION & OTHERS

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Appearance:

None present for Petitioners  
MR SI NANAVATI for Respondent No. 1  
None present for Respondent No. 2  
MR HL JANI for Respondents No.3 and 4

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 14/10/96

ORAL JUDGEMENT

The matter was called out for hearing in the first round then in the second round and lastly in the third round, but nobody appeared on behalf of the petitioners. The notices of this Special Civil Application has been sent to the petitioners as the

counsel who was appearing for them has been elevated to the bench of this court. The notice to the petitioner no.1 has returned with the remarks "the said Trust is not situated at the given address". The notice to the petitioner no.2 has been served. It is of no use to send the fresh notice to the petitioner no.1 at the given address. The petitioner no.2 has been served but nobody is present on its behalf.

Heard learned counsel for the respondents and perused the Special Civil Application. The prayer has been made by the petitioners in this Special Civil Application for setting aside of the order annexure 'F' dated 1-7-1987 under which the respondent no.2 was granted the permission for shifting of its six divisions of Std. V, VI and VII to Moti Vasan Sheri, Saraspur. A condition has been put under the said order that it should not cause unhealthy competition with Jai Hind Primary School run by petitioner no.1 Trust.

I fail to see any illegality in this order. Sufficient safeguards have been provided that the respondent no.2 will not cause unhealthy competition with the petitioners' school. The authority has considered the reasonableness of the shifting of the six divisions of the respondent no.2 school to Moti Vasan Sheri, Saraspur and no interference is called for of this Court in this order. Otherwise also, the petitioners have failed to make out any case how any prejudice is likely to be caused by shifting of the said divisions.

Taking into consideration the totality of the facts of this case, I do not find any substance in this Special Civil Application and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated.